

Sections 1 to 6 of the present Office Action are identical to sections 1 to 6 of the Final Office Action mailed January 20, 2000. The present Office Action does state that "Applicants arguments have been noted . . .," but does not address any of Applicants' arguments or evidence submitted June 22, 2000. Thus, the present Office Action is simply a recapitulation, if not substantially a direct copy, of the previous Office Action, with no statement or any other evidence to demonstrate that the Examiner ever considered Applicants' Preliminary Amendment and Rule 132 Declaration, as those documents presented arguments and evidence that addressed each of the Examiner's reasons for rejection in the Final Office Action. Therefore, Applicants respectfully submit that the Office Action mailed September 13, 2000, should be withdrawn, and a new Office Action addressing the arguments and evidence presented by Applicants should be issued.

Applicants submit that, for the reasons set forth in the Preliminary Amendment and Rule 132 Declaration filed June 22, 2000, and summarized below, the entire application is in condition for allowance, early notice of which would be appreciated.

A brief, non-limiting summary of the arguments and evidence submitted June 22, 2000, as follows, clearly demonstrates the novelty and non-obviousness of the invention, as presently claimed.

- Claims 1 to 25 recite the transitional phrase "consisting essentially of", which excludes any components that would materially affect the basic and novel characteristics of the claimed invention. As the compositions disclosed in the cited prior art references contain components that would materially affect the basic and novel characteristics of the presently claimed invention, the disclosed compositions are outside the scope of claims 1 to 25, and, thus, those claims are not anticipated by or obvious over the cited references.
- Claims 26 to 29 recite the transitional phrase "comprising", but are directed to preferred embodiments of the present invention, where the oxidizer composition comprises a mixture or a comelt of silver nitrate and at least one other component. Applicants are not aware of, and the prior art does not disclose, any prior art low temperature autoignition composition that comprises an intimate mixture of a metal fuel and such an oxidizer. Therefore, those claims are patentable over the cited references.
- The claims rejected in the Office Actions dated January 20, 2000, and September 13, 2000, recite low temperature autoignition compositions in which an oxidizer and a metal fuel are sufficiently intimately mixed to provide the degree of contact between the oxidizer

and the metal fuel required to provide the presently claimed autoignition temperature. In contrast, the cited prior art references teach composite propellants and gas generators in which the metal and oxidizer are dispersed within a binder matrix, thus, preventing intimate mixing of the metal and oxidizer.

- The present claims recite low temperature autoignition compositions that contain a metal fuel in an amount at least sufficient to provide a substantially stoichiometric mixture of a metal fuel and oxidizer, which, along with the intimate mixing of the oxidizer and metal fuel, provides the presently claimed autoignition temperature. The cited prior art references do not teach or even suggest that a metal fuel should be intimately mixed with the oxidizer and present in an amount at least sufficient to provide a substantially stoichiometric mixture of metal fuel and oxidizer.

- The preamble to the present claims recites "A low temperature autoignition composition for safely initiating combustion of a main pyrotechnic charge in a gas generator or pyrotechnic device exposed to flame or a high temperature environment". Under the law, this preamble must be considered as a limitation in the definition of the invention recited in the present claims, as the preamble is essential to point out the invention defined in the claim. See M.P.E.P. § 2111.02, quoting *Kropa v. Robie*, 88 USPQ 478, 481 (CCPA 1951). Therefore, as none of the cited prior art references, other than the teaching of Poole et al, which provides an autoignition composition in a manner significantly different from the present invention, teach or even suggest a low temperature autoignition composition for safely initiating combustion of a main pyrotechnic charge in a gas generator or pyrotechnic device exposed to flame or a high temperature environment, the present claims are not anticipated by or obvious over the cited references.

None of the arguments and evidence submitted June 22, 2000, as summarized above, was addressed in the present Office Action. Applicants submit that they are entitled to consideration of the those arguments and that evidence. Thus, Applicants respectfully request that the Examiner withdraw the Office Action mailed September 13, 2000, and issue a new Office Action that specifically addresses the arguments and evidence presented in the Preliminary Amendment and Rule 132 Declaration submitted by Applicants on June 22, 2000.

Please note that the New York office of Applicants' representatives have merged with Greenberg Traurig LLP. Therefore, all future correspondence should be forwarded to

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No fee is believed to be due for the submission of this request. Should any fees be found to be due, however, please charge such fees to Greenberg Traurig Deposit Account No. 501561.

Respectfully submitted,

Date November 2, 2000

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